

United States District Court

for the
Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 22 2016

SEAN F. McAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Austin K Mesplie

Case Number: 0980 2:09CR02050-LRS-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: March 4, 2010

Original Offense: Crime on Indian Reservation, Assault With Intent to Commit Murder, 18 U.S.C. §§ 1153 and 113(a)(1)

Original Sentence: Prison - 74 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Benjamin David Seal Date Supervision Commenced: May 5, 2016

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: January 4, 2019

PETITIONING THE COURT

To issue a summons.

The probation officer believes the offender has violated the following conditions of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

1 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mesplie tested positive for marijuana on June 6, 2016.

2 **Special Condition # 16:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Mesplie aborted inpatient drug and alcohol treatment at James Oldham Treatment Center (JOTC) on June 14, 2016.

Mr. Mesplie was referred to JOTC for inpatient drug and alcohol treatment. Mr. Mesplie reported to the treatment center on June 14, 2016, for an intake, then left the facility without authorization.

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3 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mesplie failed to submit to random urinalysis testing at Merit Resource Services on June 17, 2016.

4 **Special Condition # 17:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mesplie used marijuana on June 18, 2016.

On June 20, 2016, Mr. Mesplie reported to the probation office and signed an admission/denial form admitting to having used marijuana on June 18, 2016. A urinalysis sample was collected and sent to Alere Toxicology Services for confirmation.

The U.S. Probation Office respectfully recommends the Court issue a summons so the defendant can answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 22, 2016

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer



Date